

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

RECEIVED See Instructions for Service of Process by U.S. Marshal

PLAINTIFF
Lee Carter

10 NOV -4 PM 4:16

COURT CASE NUMBER
CA-H-10-1496

4:10-cv-01496

DEFENDANT
The Orchard

SOUTHERN DIST. S/TX

TYPE OF PROCESS
Summons

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN

SERVE
AT

The Orchard

ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)

23 E 4th St 3rd Floor New York, NY 10003 (212-201-9280 phone)

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW

Number of process to be
served with this Form 285

Number of parties to be
served in this case

Check for service
on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

United States Courts
Southern District of Texas
FILED

NOV 30 2010

David J. Bradley, Clerk of Court

Signature of Attorney other Originator requesting service on behalf of:

☒ PLAINTIFF

TELEPHONE NUMBER

DATE

White per Order of Judge Stacy

☐ DEFENDANT

713-250-5565

11/3/10

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total
number of process indicated.
(Sign only for USM 285 if more
than one USM 285 is submitted)

Total Process

1

District of
Origin

No. 79

District to
Serve

No. 79

Signature of Authorized USMS Deputy or Clerk

Bat Lopez

Date

11/4/10

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☒ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)

☐ A person of suitable age and discretion
then residing in defendant's usual place
of abode

Address (complete only different than shown above)

Date

11/12/10

Time

5:13

☐ am
☒ pm

Signature of U.S. Marshal or Deputy

Bat Lopez

Service Fee

8.00

Total Mileage Charges
including endeavors)

Forwarding Fee

Total Charges

Advance Deposits

Amount owed to U.S. Marshal* or
(Amount of Refund*)

\$0.00

REMARKS:

11/8/10 - Service via Certified Mail 7008 0150 0003 3157 1458
11/12/10 - Served via Certified Mail; signed for by L. Horne.

PRINT 5 COPIES

1. CLERK OF THE COURT
2. USMS RECORD
3. NOTICE OF SERVICE
4. BILLING STATEMENT*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.
5. ACKNOWLEDGMENT OF RECEIPT

PRIOR EDITIONS MAY BE USED

RECEIVED

UNITED STATES MARSHAL

10 NOV -4 PM 4:17

for the

SOUTHERN DIST. S/TX

Southern District of Texas

Lee Carter

Plaintiff

V.

The Orchard

Defendant

Civil Action No.. CA-H-10-1496

To: (Defendant's name and address) The Orchard 23 E 4th St 3rd Floor New York, NY 10003 (212-201-9280 phone)

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 11/03/2010

Burke

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No. CA-H-10-1496

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for (name of individual and title, if any) The Orchard
 was received by me on (date) 11/4/10.

☐ I personally served the summons on the individual at (place) _____
 on (date) _____; or

☐ I left the summons at the individual's residence or usual place of abode with (name) _____
 _____, a person of suitable age and discretion who resides there,
 on (date) _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on (name of individual) _____, who is
 designated by law to accept service of process on behalf of (name of organization) _____
 on (date) _____; or

☐ I returned the summons unexecuted because _____; or

☒ Other (specify):
Served via Certified Mail 7008 0150 0003 31571458;
signed for by L. Horne on November 12, 2010.

My fees are \$ _____ for travel and \$ 8.00 for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 11/12/10

Pat Lopez
 Server's signature

Pat Lopez, Civil Process Desk

Printed name and title

U.S. Marshals Service, S/TX

515 Rusk Ave, Ste 10002

Houston, TX 77002

Server's address

Additional information regarding attempted service, etc:

SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to: 4:10-CV-01496



THE ORCHARD
23 E. 4TH STREET, 3RD FL.
NEW YORK, NY 10003

A. Signature

☐ Agent☐ Addressee

B. Received by (Printed Name)

L. HORNE

C. Date of Delivery

1/12

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7008 0150 0003 3157 1458

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540